IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.147 OF 2006

Smt.Chanchal K. Gangar ....Petitioner
V/s.
Prafulkumar P. Gangar & Ors. ....Respondents

Mr.B.A. Vora for the Petitioner.
Mr.Rajiv Narula i/b M/s.Jhangiani, Narula & Associates for Respondent Nos.1 and 2.

CORAM : S.J. VAZIFDAR, J.
DATED : 26TH JUNE 2006.

P.C. :

1. This is a Petition to declare that the mandate of Respondent No.3 to act as an arbitrator has come to an end. By an order dated 5.12.2005, D.K. Deshmukh, J. had granted in an earlier Arbitration Petition being Arbitration Petition No.361 of 2005 certain interim reliefs and liberty to the Petitioner to move the learned arbitrator for other reliefs claimed in the Petition.

2. It appears that on 17.12.2005 a meeting was fixed by the arbitrator for 24.12.2005. On 24.12.2005, the meeting was adjourned on the request of the parties to 30.12.2005. On 30.12.2005 the meeting was cancelled as the arbitrator was unwell.

3. It is true that thereafter several requests have been made by the Petitioner to the arbitrator to fix a meeting for the purpose of deciding her interim relief application under Section 17 of the Arbitration and Conciliation Act, 1996. It is true that the arbitrator has not fixed a meeting. This ought not to have been done. The learned arbitrator ought to have fixed a meeting.

4. Despite the same, I do not intend declaring his mandate as having been come to an end, as in fact the proceedings have been going on for some time. In the circumstances, the Petition is dismissed. The learned arbitrator is however requested to complete the proceedings and make and publish the award within six months from today. The parties have agreed not to make an application for adjournment before the learned arbitrator.

5. The Petition is accordingly disposed of.